

Explanation of the exemption applied

Section 30

Section 30(1)(a)(i) states “Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of an investigation which the public authority has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence”. The Commission is able to apply this exemption as section 28 of the Gambling Act sets out its powers to investigate and institute criminal proceedings in respect of offences committed under the Act.

The Public Interest Test

Having considered that the requested information is exempt under section 30(1)(a) it is necessary to consider the public interest test to identify whether there is a wider public interest in disclosing this information as opposed to maintaining the exemption.

Public interest arguments in favour of disclosure

- disclosure of the requested information could demonstrate to stakeholders and relevant parties that the Commission is active in investigating suspicious betting and that this disclosure may actually encourage stakeholders (for example Sports Governing Bodies and other law enforcement agencies) to work with us and contribute to our programme of work here
- there is a legitimate public interest in promoting accountability and transparency of public authorities
- public disclosure of this information may also, by way of demonstrating our proactive work in this area, discourage unlawful activities being pursued (which is in the public interest)

Public interest arguments in favour of maintaining the exemption

- disclosure of the requested information may prejudice the outcome of any future investigation by the Commission, or another body, to the detriment of the public interest
- identifying specific events may deter stakeholders and relevant parties from reporting suspicious betting activity to us. For example, some organisations may be less inclined to share information with us if they know we will publish or disclose it
- providing a list of the events could alert individuals involved in betting frauds to the fact that the Commission was investigating a particular case and provide them with an opportunity to alter their behaviours and evade detection. This would result in making it more difficult for the Commission to achieve its aims

Balance of public interest arguments

Given the points considered, the Commission believes that the interests of the public are better served through maintaining the exemption. The nature of the information requested may prejudice the outcome of any future investigation by the Commission, therefore we are not in a position to disclose further details.

Section 40

Section 40 of the FOIA states that personal data is exempt from disclosure should releasing the information be in contravention of the Data Protection Principles or likely to cause damage or distress.

It would be disproportionate for us to publically disclose the identity of these individuals in cases that have not resulted in a criminal prosecution or formal sanction from the Sports Governing Body. The Data Protection Act 1998 requires the processing of personal data to be fair and lawful and individuals have a legitimate expectation that their personal details will not be disclosed unnecessarily by a Data Controller.

On balance, there is no legitimate public interest in disclosing their identity and it would not be fair to do so. This information is therefore exempt under section 40(2) of the FOIA, as applied by section 40(3)(a).